



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office for Civil Rights

Headquarters • Humphrey Building
200 Independence Ave, S.W. • Washington, D.C. 20201
Voice: (800) 368-1019 • TDD: (800) 537-7697
Fax: (202) 619-3818 • www.hhs.gov/ocr

VIA ELECTRONIC MAIL [REDACTED]

April 19, 2025

Daniel Meron
Morgan Maddoux
Latham & Watkins LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004-1304
[REDACTED]

Re: Second Data Request (OCR Transaction Number: DO-25-607541-RV-CRR-Rac)

Dear Counsel:

On February 3, 2025, the U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) initiated a compliance review of Harvard Medical School's May 2024 commencement ceremonies to determine compliance with Title VI of the Civil Rights Act of 1964 (Title VI) and Section 1557 of the Affordable Care Act (Section 1557). On behalf of Harvard Medical School, you submitted documents and information responsive to OCR's First Data Request on March 3, 5, and 19, 2025. OCR appreciates your cooperation.

Based on information obtained over the course of its investigation, on April 7, 2025, OCR expanded its compliance review to include Harvard University as a whole, and extended the timeframe of the review to include events and information from October 7, 2023, through the present.

As noted in our prior correspondence, as a recipient of HHS federal financial assistance, Harvard University is obligated to comply with Title VI and Section 1557. OCR's authority to access records and information relevant to this compliance review is set forth at 45 C.F.R. § 80.6(c), which requires that recipients of FFA permit OCR access to books, records, accounts, other sources of information, and facilities as necessary to ascertain compliance with federal nondiscrimination requirements. Accordingly, **by Friday, May 2, 2025**, OCR respectfully requests Harvard University provide documents and information in response to the enclosed Second Data Request.

For questions, you may contact David Hyams, Supervisory Policy Advisor, at



Sincerely,

A handwritten signature in black ink, reading "Anthony F. Archeval".

Anthony F. Archeval
Acting Director
HHS, Office for Civil Rights

Enclosure: Second Data Request

SECOND DATA REQUEST

OCR Transaction Number: DO-25-607541-RV-CRR-Rac

OCR requests that you provide your submissions in **electronic format by Friday, May 2, 2025**. The electronic copies should be sent by attachment(s) through email to [REDACTED]

Please provide:

- 1) All reports of Harvard University's Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias, including any version that was initially publicly disseminated, any version that is publicly available today, and any other version that was ever publicly disseminated. This request is not limited by the manner of dissemination, and includes dissemination as a standalone document, or as a webpage, or in any other manner that made the content of a report available for public view.
- 2) Any drafts of the reports produced under data request number 1, whether or not made publicly available, and whether or not those drafts were created before or after initial public dissemination of the reports.
- 3) Any draft report or report, or draft findings or findings, that was created, prepared, or edited by Harvard University's Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias and/or the Presidential Task Force on Combating Antisemitism, which report or findings may have been provided to Interim President Alan Garber for review. This includes any findings, reports, or records that capture or reflect the content of "conversations" referenced in the following sentence of a May 23, 2024 Op Ed in the Harvard Crimson entitled "[From the Antisemitism Task Force: How to Repair a Fractured Harvard](#)": "What we found in these conversations was often appalling."
- 4) All reports of Harvard University's Presidential Task Force on Combating Anti-Muslim, Anti-Arab, and Anti-Palestinian Bias, including any version that was initially publicly disseminated, any version that is publicly available today, and any other version that was ever publicly disseminated. This request is not limited by the manner of dissemination, and includes dissemination as a standalone document, or as a webpage, or in any other manner that made the content of a report available for public view.
- 5) Any drafts of the reports produced under data request number 4, whether or not made publicly available, and whether or not those drafts were created before or after initial public dissemination of the reports.
- 6) Any report(s) of any Harvard University task force, including but not limited to the Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias and the Presidential Task Force on Combating Anti-Muslim, Anti-Arab, and Anti-Palestinian Bias, which report(s) were created, made, or altered after Harvard University received the federal government's letter of April 3, 2025. The request includes the report(s) as they existed before April 3, 2025, and the report(s) as they existed after April 3, 2025. This request is

not limited by the manner of dissemination of the report(s), and includes dissemination as a standalone document, or as a webpage, or in any other manner that made the content of a report available for public view.

- 7) The names of all persons involved in preparing and editing the report(s), draft or final, produced in response to data requests 1 through 6, along with a description of which report(s) the person prepared or edited and a description of their role.
- 8) Dates those persons listed in response to the previous request can be available for interviews with OCR.
- 9) Any additional relevant information that Harvard University would like OCR to consider during its review.

INSTRUCTIONS

1. In complying with this request, you should produce all responsive documents that are in your possession, custody, or control or otherwise available to you, regardless of whether the documents are possessed directly by you.
2. Documents responsive to the request should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to OCR.
3. In the event that any entity, organization, or individual named in the request has been, or is currently, known by any other name, the request should be read also to include such other names under that alternative identification.
4. When you produce documents, you should identify the paragraph(s) or clause(s) in OCR's request to which the document responds.
5. Documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Although electronic production is preferred, if paper documents are produced, any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to this request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued. Indicate the office or division and person from whose files each document was produced.
6. If a non-electronic production, each folder and box should be numbered, and a description of the contents of each folder and box, including the paragraph(s) or clause(s) of the request to which the documents are responsive, should be provided in an accompanying index.
7. Responsive documents must be produced regardless of whether any other person or entity possesses non-identical or identical copies of the same document.
8. OCR requests electronic documents in lieu of paper productions. If any of the requested information is available in machine-readable or electronic form (such as on a computer server, hard drive, CD, DVD, back up tape, or removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), you should immediately consult with OCR staff to determine the appropriate format in which to produce the information. Documents produced in electronic format should be organized, identified, and indexed electronically in a manner comparable to the organizational structure called for in Instructions (5) and (6) above.
9. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party.

10. If any document responsive to this request was, but no longer is, in your possession, custody or control, state:
 - a. how the document was disposed of;
 - b. the name, current address, and telephone number of the person who currently has possession, custody or control over the document;
 - c. the date of disposition;
 - d. the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.
11. If any document responsive to this request cannot be located, describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction or unavailability.
12. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date or other descriptive detail were correct.
13. The request is continuing in nature and applies to any newly discovered information and/or document, regardless of the date of its creation. Any document not produced because it has not been located or discovered by the return date should be produced immediately upon location or discovery subsequent thereto.
14. All documents should be bates-stamped sequentially and produced sequentially. In a cover letter to accompany your response, you should include a total page count for the entire production, including both hard copy and electronic documents.
15. In the event that a responsive document is withheld on any basis, including a claim of privilege, you should provide the following information concerning any such document: (a) the reason the document is not being produced; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; (e) the relationship of the author and addressee to each other; and (f) any other description necessary to identify the document and to explain the basis for not producing the document. If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced. As used herein, "claim of privilege" includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.
16. If the request cannot be complied with in full, it should be complied with to the extent possible, which should include an explanation of why full compliance is not possible.
17. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all

documents in your possession, custody, or control which reasonably could contain responsive documents; (2) documents responsive to the request have not been destroyed, modified, removed, transferred, or otherwise made inaccessible to OCR since the date of receiving OCR's request or in anticipation of receiving OCR's request, and (3) all documents identified during the search that are responsive have been produced to OCR, identified in a privilege log provided to OCR, as described in Instruction (16) above, or identified as provided in Instructions (9), (10) or (11) above.

18. Section 1001 of Title 18 of the U.S. Code makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

DEFINITIONS

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail ("email"), instant messages, calendars, contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, power point presentations, spreadsheets, and work sheets. The term "document" includes all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments to the foregoing, as well as any attachments or appendices thereto.
2. The term "document" also means any graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, voice mails, microfiche, microfilm, videotapes, recordings, and motion pictures), electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, back up tape, memory sticks, recordings, and removable computer media such as thumb drives, flash drives, memory cards, and external hard drives), and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, electronic format, disk, videotape or otherwise. A document bearing any notation not part of the original text is considered to be a separate document. A draft or non-identical copy is a separate document within the meaning of this term. The term "documents in your possession, custody or control" means (a) documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; (b) documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and (c) documents that have been placed in the possession, custody, or control of any third party.

3. The term “communication” or “correspondence” means each manner or means of disclosure, transmission, or exchange of information, in the form of facts, ideas, opinions, inquiries, or otherwise, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, email, instant message, discussion, release, personal delivery, or otherwise.
4. The terms “and” and “or” should be construed broadly and conjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes the plural number, and vice versa.
5. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, limited liability corporations and companies, limited liability partnerships, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, other legal, business or government entities, or any other organization or group of persons, and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof.
6. The terms “referring” or “relating,” with respect to any given subject, mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.
7. The terms “you” or “your” mean and refer to Harvard University and any of its agencies, offices, subdivisions, entities, officials, administrators, employees, attorneys, agents, advisors, consultants, staff, or any other persons acting on their behalf or under their control or direction.